

Chapter 5

Supporting

INTRODUCTION

5-1. Contractors are expected to be self-sufficient, handling all actions necessary to perform under the terms and conditions of the contract without significant assistance from the government. However, in some circumstances, it is appropriate and necessary for the government to provide support to a contractor when deployed into an AO. Government-furnished support may be appropriate if it is less expensive than contractor-provided support. Additionally, government-furnished support may be necessary when the government controls the support needed or is the only source of support, such as transportation within the AO. Figure 5-1 illustrates the level of support that may be provided to a contractor based on factors, such as nature of the operation and location on the battlefield. Government requirements for support to a contractor must be identified during the planning process and included in the applicable contract. Appendix B provides a notional example of government-support planning requirements.

5-2. Typically, in a contingency or battlefield environment, government-furnished support to a contractor is either organizational or life support. Organizational support includes transportation, facilities, and equipment and materiel necessary for the contractor to perform its mission. Life support includes lodging and subsistence, morale support services, medical care, mortuary affairs, as well as religious, legal, and postal services that either the contractor cannot provide or for which the government is better suited. Force protection is another form of support that the government provides and is addressed in detail in Chapter 6.

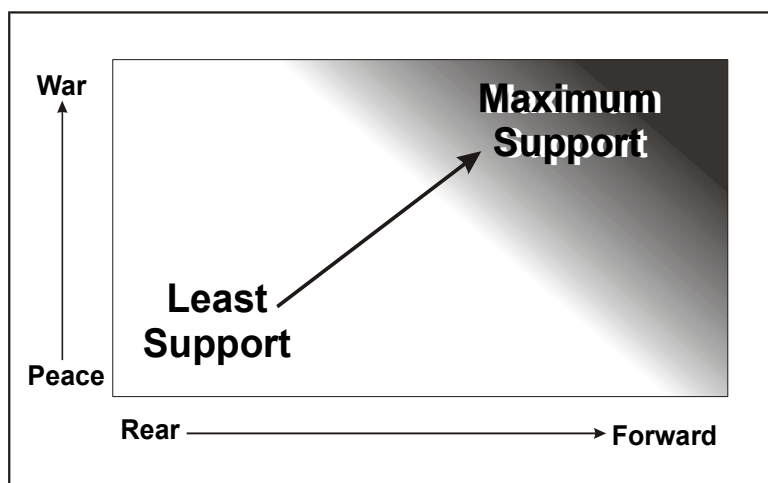


Figure 5-1. Military Support to Contractors

5-3. The nature and level of government-furnished support provided to contractors depends on the point of origin of the contractor. For US contractors and contractors originating from outside the AOR, the level of support will be greater because they may require transportation to get to the theater and facilities to operate once they are in place. On the other hand, contractors residing in the AOR may only require transportation or access to the LOCs, force protection, or no support at all.

ROLES AND RESPONSIBILITIES

5-4. As with the other aspects of contractor-provided support, the responsibility for ensuring that contractors are considered for and receive the requisite government-furnished support involves commanders and staffs at all levels, the contracting community, and the contractor. Government-furnished support to contractors, whether it is organizational or life support, may be key to the contractors' successful performance. Without the support, contractors may find it difficult or impossible to operate in the battlefield environment, and, when a contractor does not perform, the government may place itself in a position of liability, including entitlement to monetary compensation, not to mention the operational impact of the loss of contractor support. Likewise, if contractors are directed to provide their own support, the government can expect higher contract costs as a result.

ASCC/ARFOR

5-5. In keeping with his overall responsibility to prepare, train, equip, administer, and provide Army forces to the combatant commander for an operation, the ASCC commander provides support to the contractors supporting Army operations. Because the ASCC commander, and the subordinate ARFOR commander (if applicable), has the responsibility to arrange and plan CS and CSS, it is at this level that specific units or organizations (possibly including a contractor) are identified and tasked to provide the necessary support to contractors. The ASCC/ARFOR tasks those units that are in the best position or have the best capability to provide the required support. Often the units tasked are those that have a habitual relationship with the contractor or the ones that will be managing the contractor in its execution of the contract.

CONTRACTING ACTIVITIES

5-6. The various contracting activities supporting an operation ensure that the type, manner, and scope of support that is to be provided to a contractor is incorporated into the applicable contract. These activities also advise the commander as to the extent that support to be provided is appropriate and can legitimately be provided. Once included in the contract and communicated to the contractor, these contracting activities ensure that support is being provided either through their own resources or through contract administration organizations, such as DCMA, or support commands such as USAMC.

SUPPORTING ORGANIZATION

5-7. The supporting organization is that organization or activity tasked to furnish organizational or life support to a contractor. It may be the organization that the contractor is providing support to, the requiring unit or activity, a functional organization (such as a transportation unit) or the USACE that would provide equipment or facilities, or any other organization that possesses the support capability. The supporting organization provides specified organizational support or life support, and may, if appropriate, use another contractor to provide such support.

CONTRACTOR

5-8. A contractor's responsibility regarding support provided by the government is to ensure that it complies with the terms and conditions of the contract concerning government-provided support. Contractors are obligated to follow organizational support guidelines provided by the government regarding the accountability and proper and safe operation of vehicles and equipment. They are required to adhere to cleanliness standards when occupying government-furnished lodging or work areas and to comply with established procedures for the use of government-furnished life support. Contractors must follow the same procedures and guidelines as those mandated for military and DACs.

OPERATIONAL SUPPORT TO CONTRACTORS

5-9. Operational support provided to contractors is that support that enables the contractor to perform its support mission. This type support normally includes equipment and services, facilities, transportation and personnel recovery. Operational support is provided by the government when the contractor does not possess the unique military capability, because it is more economical, or to prevent competition for limited resources.

GOVERNMENT-FURNISHED EQUIPMENT AND SERVICES

5-10. The general policy of the government is that contractors furnish all equipment and services required for the performance of a contract. However, the government can provide equipment and services when necessary to achieve significant savings, standardization, expedited performance, or when it is otherwise in its best interests. Potential savings, military-unique equipment or services, and the degree of government control over the equipment or services influence the requirement for the military to provide GFE and services to a contractor. Contracts that provide for GFE to contractors must specify what support, property, and training the Army will furnish to the contractor prior to commencement of an operation. Contracts must also specifically address responsibility for storage, maintenance, accountability, and testing for all furnished vehicles and equipment.

5-11. GFE must be properly controlled. The lending activity designated to furnish the equipment and the supporting contracting element must establish and maintain accountability over the equipment as long as the equipment is required or until the contract expires. Procedures for controlling and accounting for equipment provided to contractors is contained in

AR 710-2 and AR 735-5. For equipment or materiel acquired by the contractor during the performance of the contract, ownership will pass to the government, in accordance with Army and contracting procedures, when the contract is completed or terminated.

5-12. Operational support services provided to contractors may include connectivity to telecommunications resources, fuel for contractor-owned or government-furnished vehicles, or any other service that might be furnished to assist the contractor in performing its mission. Services offered must be planned for in advance so that sufficient capability is available to ensure that support to military forces is not degraded and to allow the contractor sufficient time to arrange its own support if the government is unable to do so. Advance planning also provides information to the contracting officer essential to negotiate the price of the contract.

FACILITIES

5-13. During the planning process, commanders and staff planners must address the need for contractor facilities. Contractors, primarily external support and system contractors, supporting a military force in an AO often require facilities and/or real estate to perform their work. Depending on the operational situation, either the contractor or the government arranges the use of real estate and facilities as required. Determining who is best suited to make the arrangements should be made during the planning process with the following considerations:

- What type of facilities does the contractor require?
- What is the cost if the contractor provides his own facilities?
- Should contractor operations be in a secure location?
- Are there enough facilities to accommodate both military and contractor needs, thus avoiding unnecessary competition?
- Does the military control all facilities in the area?

5-14. Commanders and staff planners should be concerned with cost, physical protection, base access, and coordination of contractor and military requirements. Contractor competition for limited facilities may inadvertently affect their cost. The solution is for the military to either assume control of all facilities and provide what is needed to the contractor or establish coordination procedures in the contract to avoid unnecessary competition for facilities.

5-15. Contractor requirements for facilities, when provided by the government, are passed to the theater real estate manager for action. The theater real estate manager may be the ASCC's operations section terrain manager or a USACE corps real estate support team (CREST). A contractor's specific facility requirements are not normally identified during the planning process, but during the negotiation process prior to contract award. For this reason, operational planners must be consulted during the negotiation process so that contracting professionals do not obligate the government for support that may not be available. When the government does not have the capability to support a contractor's needs, it should be prepared to bear the cost of contractor-obtained facilities.

TRANSPORTATION

5-16. Contractors may have difficulty obtaining transportation when deploying to, and operating in, an AO. In many operations, US forces control transportation assets and port facilities and dominate or control many of the associated services. To ensure contractors are present in the AO at the proper time and have the necessary services to perform their contract, the Army must determine whether it, or the contractor, provides the required transportation. When a contractor does not have full control over the circumstances that affect how and when its transportation support is provided, it may be in the Army's best interest to assist.

5-17. The extent that government-furnished transportation is provided to a contractor is based on the operational environment and the government's capability to meet the contractor's specific needs. These needs not only include the deployment or movement of the contractor to the AO, but also those to satisfy operational needs during the operation itself. Contractor transportation requirements may include the following:

- Air, rail, and sea transport to move personnel and equipment to the operational theater.
- Port handling equipment or services
- Wheeled or aerial transportation support to move supplies, equipment and/or personnel within the AO.
- Government furnished vehicles to transport personnel and equipment in the AO.
- Access to LOCs and movement clearances in the AO.

5-18. When government-furnished vehicles are provided, the necessary maintenance and fuel support should also be included. Likewise, when contractors provide their own vehicles, fuel and maintenance support must be considered and provided when it is in the government's best interest to do so.

5-19. Contractors must be aware that insurance companies may limit or deny coverage on private insurance policies if an individual is being transported on military transportation, such as rotary-wing aircraft. When this occurs, the government will underwrite insurance to allow coverage to continue. Planners at all levels must provide for situations when contractors or the military have to obtain special coverage.

PERSONEL RECOVERY

5-20. It is DOD policy to protect its personnel (to include contractors who deploy with the force), prevent the exploitation of its personnel by adversaries, and reduce the potential for captured personnel being used as leverage against the United States. It is important for commanders and eligible contractor personnel are aware of this policy. For more information see DOD Directive 2310.2, *Personnel Recovery* and DOD Instruction 2310.4, *Reparation of Prisoners of War (POW), Hostages, Peacetime Government Detainees and Other Missing or Isolated Personnel*.

OTHER SUPPORT

5-21. Additional government support to contractors is dependent on the operational environment and the type of contractor involved. For contractor employees deploying with the force, support, such as lodging and medical treatment; subsistence; laundry and shower; medical; mortuary; morale, welfare and recreation (MWR); postal; and religious, mortuary affairs, next of kin notification, is generally similar to that provided to DACs participating in the same operation. However, some support such as legal support is not the same as for DACs. In some cases, contractors may also live and work under field conditions similar to those for the supported military forces. When contractors are placed in this type environment, furnishing their own basic life support becomes difficult or impossible. As a result, the military must make provisions for their support or must not use contractors. Regardless of the source, contractor or military, life-support requirements must be identified and included in OPLANs/OPORDs and the governing contract. In addition to cost, considerations necessary to determine whether the contractor or the military should provide the support include:

- Ability to provide the support.
- Potential for competition between the military and contractors for support resources.
- Potential for establishing redundant support structures.

LODGING/SUBSISTENCE

5-22. Contractors should provide their own lodging and subsistence unless the operational environment dictates otherwise. The circumstances under which the military provides this support would be those in which the contractor has no commercial infrastructure from which to draw from or when the cost for a contractor to furnish the support is not economical. In those situations when contractor-arranged housing would impede the government's efforts to provide force protection, generate competition with the military, or adversely influence prices, the military must consider providing the support. The ARFOR commander retains the authority to direct where contractor employees reside, within the terms and conditions of the contract, but must utilize the same standard that is applied to DAC personnel of similar grade and responsibility level (e.g., a contractor technical representative or first-line supervisor would be treated the same as a GS 11-13).

5-23. During military operations, contractor employees often live under field conditions. Field conditions are quite different from normal civilian life and are characterized by austere and communal living and a collective responsibility for the living area. Contractor employees may experience a general lack of privacy with lodging normally consisting of large communal tents. While in this field environment, contractor employees will be expected to maintain a clean living area, be considerate of others, and adhere to the same rules, policies, directives, and general orders as the military and DAC personnel.

5-24. Subsistence may be provided to contractors, either in conjunction with government-provided lodging, or separately, when contractor employees

during their daily work shift are unable to obtain subsistence. The food provided might be pre-packaged rations with very little opportunity for choice; consequently, special diets may not be accommodated.

5-25. Although it is natural to expect reimbursement from contractors for the cost of lodging and subsistence, the cost for such support would normally be included in the overall cost of the contract. Therefore, providing the support should be done on a nonreimbursable basis, eliminating the unnecessary administrative burden of reimbursement. However, military planners must include the cost of supporting contractors in the overall cost of the operation so that adequate funding is provided.

POSTAL

5-26. The nationality of the contractor employee usually determines postal support. US citizen contractor employees, who deploy in support of US armed forces, may be authorized use of the military postal service (MPS) if there is no US postal service available and if MPS use is not precluded by the terms of any international or host-nation agreement. Local nationals hired in-country by DOD, or subcontracted by a DOD contractor, or TCN employees normally are provided with postal support through the existing host-nation system or through arrangements made by the employing contractor.

5-27. The participating ASCC/ARFOR personnel planners are the best source for advice concerning available postal support. From an analysis of the AO, force composition, and international and host-nation mail capabilities, they can offer an informed recommendation on the level of support to be provided. The effectiveness of postal support is directly related to the personnel accountability system in place in the AO. The contractor accountability system being used must interface with the AO postal system.

MORALE, WELFARE, RECREATION

5-28. Maintaining an acceptable quality of life is important to the overall morale of any organization, including contractors. Deployed contractors have a responsibility to provide MWR and other quality-of-life support to their employees as much as practical. Theater support contractors generally are not provided such.

5-29. The military may provide MWR support to contractor employees when contractor sources are not available, subject to the JTF/ARFOR commander's discretion and the terms of the contract. The availability of MWR programs in an AO vary with the deployment location. MWR activities available may include self-directed recreation (e.g., issue of sports equipment), entertainment in coordination with the United Services Organization and the Armed Forces Professional Entertainment Office, military clubs, unit lounges, and some types of rest centers.

5-30. US citizen contractor employees may be eligible to use Army and Air Force Exchange Service, Navy Exchange, or Marine Corps Exchange facilities for health and comfort items. Use of these facilities is based on the combatant commander's discretion, the terms and conditions of the contract, and any applicable status of forces agreements.

5-31. Regardless of who provides MWR support, governing OPLANs/OPORDs and contracts must identify contractor support needs and designate responsibility. These documents should also articulate the extent MWR support is authorized so that employing contractors can arrange for services that will not be provided.

HEALTH SERVICES

5-32. Medical and dental care is provided to contractors as specified in existing DOD and Army policy and as outlined in the contract. Eligible contractor employees receive support equivalent to that provided to military personnel. This care includes—

- Inpatient and outpatient services.
- Evacuation.
- Pharmaceutical support.
- Any other medical support as determined by appropriate military authorities, in accordance with recommendations from the command surgeon.

5-33. Eligibility for this care normally is extended to US citizen and TCN system and external support contractor employees. Local national employees receive emergency care only when injured on the job and working within military unit areas. For example, a baker injured while working in his own shop would not be eligible; a truck driver, operating his own vehicle, and injured while on a supply distribution mission transporting military supplies would be eligible. If emergency care is provided to local national contractor employees, they will be transferred to a local medical facility as soon as it is medically feasible. Routine medical and dental care are not provided to theater support contractors or sub-contracted local-hire external support contractor employees. These individuals must obtain routine care from the local infrastructure. Army medical personnel provide all occupational health and preventive medicine inspections, screenings, and remedial treatment to contractor employees, to include animals as appropriate, regardless of their status.

5-34. As forward-deployed field medical organizations are neither organized nor equipped to process billings or receive payments for medical services, reimbursement from eligible contractor employees or third parties is not practicable or cost effective. However, where a contractor employee is medically evacuated from the AO to a medical treatment facility (MTF) funded with defense health program dollars, normal reimbursement policies apply for medical services provided by that MTF. This includes instances where an MTF is outside the AO but still in the same theater.

5-35. The Army medical department provides pharmaceutical support to deploying employees of system and external support contractors. As part of the predeployment process, the pharmaceutical requirements of each contractor employee is determined. Medications listed on the basic core formulary (BCF) are continued and refilled in theater from the appropriate Army medical organization.

5-36. All contractor employees are required to bring a 90-day supply of personal medications into the AO. If a refill of a medication is required, authorized contract employees contact the nearest medical unit with pharmacy services. Refills are normally processed when there is a 15-day supply or less on the prescription.

5-37. Medical personnel are responsible to evaluate contractor employees with prescribed medications that not listed on the BCF to determine if a BCF medication can be substituted. When this is possible, a written prescription for the BCF medication is given to the contractor employee, and they are advised to obtain a 90-day supply at their own expense. If there is no clinically acceptable BCF substitution available, the contractor will be required to make arrangements to obtain this medication in theater from civilian sources or to be delivered from CONUS. If this is not feasible, then the contractor employee in question should not be allowed to deploy.

5-38. If eyeglasses are required, contractor employees will deploy with two pairs of glasses and a current prescription. The military provides eyeglass inserts for use in chemical protective masks as part of the predeployment process. Emergency replacement of glasses is the responsibility of the military medical logistics system. Routine replacement is the responsibility of the employee/employer.

5-39. Routine and emergency medical support to eligible contractor employees is provided on an area basis from appropriate Army medical organizations. System contractors operating within a division AO receive medical support from appropriate divisional medical elements.

5-40. Intratheater evacuation of US citizen and TCN contractor employees is accomplished using military medical evacuation air and ground vehicles, unless provisions for alternate evacuation means are provided or planned. Medical evacuation out of the AO is the responsibility of USTRANSCOM. This movement is coordinated between the theater patient movement requirements center, the global patient movement requirements center, and the TACC. These organizations determine the best lift available to move the patient out of the theater.

5-41. The remains of system- and external support contractor employees who die while patients in a military medical treatment facility are handled by appropriate mortuary affairs organizations. Mortuary affairs is discussed later in this chapter.

5-42. Limited support to security/working dogs under contract includes limited emergency care, preventive medicine inspections, and necessary prophylaxis. The contractor ensures that all animals meet the standards of the host country, as well as the standards enforced by the US military for working animals. The contractor ensures all animals deploy with necessary routine medications and chemoprophylaxis. The contractor also ensures that these medications and chemoprophylaxis are resupplied at the contractor's expense.

5-43. Upon redeployment, contractor employees receive medical and dental screenings to identify and document any medical problems that may be connected with the deployment. These redeployment screenings may be

completed prior to AO departure, at a CONUS IDS/CRC site, or at the home of record.

RELIGION

5-44. When contractors are deployed in support of military operations they are provided religious support in accordance with OPLAN/OPORD religious support annexes and appendices. The appropriate religious support section assesses the requirements and includes them in the religious support plan. US contractor family members may seek and expect to be provided religious support through CONUS installations while spouses are deployed in support of military operations (garrison commander approval may be required for access when military installations are closed to civilians). Unit ministry teams will make every effort to plan for adequate religious support resources, including literature and sacramental supplies, to support contractor employees who deploy with the force.

MORTUARY AFFAIRS

5-45. The joint mortuary affairs program is a broadly based military program that provides for the necessary care and disposition of deceased personnel, including personal effects, across the full range of military operations. Combatant commanders control and coordinate mortuary affairs operations for the search, recovery, tentative identification, care, and evacuation or temporary interment, disinterment, and reinterment of deceased personnel within their AOR.

5-46. Under the joint mortuary affairs program, all contractor employees who are in direct support of military operations and who die in the line of duty are eligible to receive mortuary affairs support on a reimbursable basis. The specific nature and extent of the support is determined during the planning process and communicated to military forces and contractors through governing OPLANs/OPORDs and contractual documents. The responsible support commands and related ASCC/ARFOR staff maintain visibility over contractors work in coordination with mortuary affairs and personnel units when contractors require support.

NEXT OF KIN NOTIFICATION

5-47. In the event a contractor employee dies or is missing, next of kin notification is made by the:

- Military when the contractor employee involved is a US citizen. The military uses information provided by the contractor during predeployment or reception processing. In some cases, the military may affect notification through the employing contractor.
- Employer when the contractor employee is a citizen of the host nation or a TCN.

LEGAL

5-48. Army policy is that contractor employees in the US preparing to deploy, or those already deployed, generally are not eligible to receive legal assistance from Army military or civilian lawyers. Legal assistance is the responsibility of the contractor. The contractor ensures that its employees satisfy all legal requirements, such as last will and testament, guardianship arrangements for children, estate planning, and any other needs prior to departure.

5-49. There is, however, an exception to this policy. Contractor employees may receive certain legal assistance when the government is contractually obligated to provide this assistance as part of their life support. When this is the case and the legal assistance is provided overseas, it must be in accordance with applicable international agreements and approved by the host-nation government. Legal assistance, when provided, is limited to ministerial service (e.g., notarial services), legal counseling (including the review and discussion of legal correspondence and documents), legal document preparation (limited to power of attorney and advanced medical directives), and assistance in retaining civilian legal counsel.